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Chapter No. 107

11/HR40/A651SG

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HOUSE BILL NO. 1516

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1516

AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES; AND FOR RELATED PURPOSES, FOR THE FISCAL YEAR 2012.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, to the Department of Human Services for the fiscal year beginning July 1, 2011, and ending June 30, 2012 \$ 126,000,000.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in any special fund in the State Treasury to the credit of the Department of Human Services which is comprised of special source funds collected by or otherwise available to the department for the support of the various divisions of the department, for the purpose of defraying the expenses of the department for the fiscal year beginning July 1, 2011, and ending June 30, 2012 \$ 742,175,756.00.

SECTION 3. None of the funds appropriated by this act shall be expended for any purpose that is not actually required or necessary for performing any of the powers or duties of the Department of Human Services that are authorized by the Mississippi Constitution of 1890, state or federal law, or rules or regulations that implement state or federal law.

SECTION 4. Of the funds appropriated under the provisions of Sections 1 and 2, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent: Full Time 2,948

	Part Time	1
Time-Limited:	Full Time	791
	Part Time	0

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2013 do not exceed Fiscal Year 2012 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2012 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2012 appropriations for "Personal Services" when annualized, with the exception of escalated funds. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2012 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions

without proof of availability of new or additional funds above the appropriated level.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

Notwithstanding the above language in this section, the Department of Human Services may restructure and reorganize the Division of Family and Children's Services in order to satisfy the requirements outlined in the settlement agreement, judicial mandates or court orders of the Olivia Y lawsuit.

SECTION 5. It is the intention of the Legislature that the Department of Human Services shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2011. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2013 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2012 budget request process.

SECTION 6. None of the funds appropriated under the provisions of Sections 1 and 2 shall be used to pay any contractor that is not a successful bidder for genetic paternity testing services bid by the Department of Human Services.

SECTION 7. Of the funds appropriated in Section 2, One Million Dollars (\$1,000,000.00) shall be transferred to the Department of Health, Child Care Licensure Program from the Child Care Development Fund or other appropriate special fund. These funds are to be transferred to the Board of Health no later than July 31, 2011. The Department of Health shall make a complete accounting to the Department of Human Services detailing the uses of these funds in accordance with federal and state regulations.

SECTION 8. It is the intention of the Legislature that the Department of Human Services contract with the Department of Health to operate the School Nurse Teen Pregnancy Prevention Pilot Program as described in Section 41-79-5(5), Mississippi Code of 1972, in compliance with all applicable TANF federal and state regulations.

SECTION 9. None of the above funds shall be used to hire employees under Personal Service Contracts except for Personal Service Contracts for the Division of Early Childhood Care and Development - Child Care and Division of Early Childhood Care and Development - Child Care Managers.

SECTION 10. The department shall shift expenditures from the Temporary Assistance for Needy Families (TANF) portion of the Child Care Development Block Grant Funds (CCDF) to the CCDF matching grant portion for the continued funding of the Families First Resource Centers through the current federal fiscal year (September 30, 2011).

The department shall utilize TANF funds from the federal Fiscal Year 2012 allotment for the continued funding of the Families First Resource Centers through June 30, 2012.

SECTION 11. The department is authorized to escalate, budget and expend special and/or federal funds received from any source to carry out the duties of the department in an amount not to exceed Twenty Million Dollars (\$20,000,000.00). Such funds are to be escalated in accordance with procedures for federal fund escalations as established in Section 27-104-21, Mississippi Code of 1972, and expended for the purposes of performing such duties as set forth by law in accordance with applicable rules and regulations of the State Fiscal Officer.

SECTION 12. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price,

quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 13. The Department of Human Services is authorized to expend available funds on technology or equipment upgrades or replacements when it will generate savings through efficiency or when the savings generated from such upgrades or replacements exceed expenditures thereof.

SECTION 14. It is the intention of the Legislature that none of the funds provided herein shall be used to pay certain utilities for state furnished housing for any employees. Such utilities shall include electricity, natural gas, butane, propane, cable and phone services. Where actual cost cannot be determined, the agency shall be required to provide meters to be in compliance with legislative intent. Such state furnished housing shall include single-family and multi-family residences but shall not include any dormitory residences. Allowances for such utilities shall be prohibited.

SECTION 15. In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

	FY2012
<u>Performance Measures</u>	<u>Target</u>
Support Services	
Investigative Audits (Actions)	60
Special Investigations	51
Fraud Investigations (Actions)	796
Administrative Hearings	2,500

Subgrant Monitoring Visits	400
Aging & Adult Services	
In-home Services (Persons)	17,391
Community Based Services (Persons)	15,118
Congregate Meals (Number of Meals)	4,046
Home-delivered Meals (Meals Delivered)	2,238,296
Boys & Girls Clubs	
TANF Fds Provided to Boys & Girls Clubs (\$)	1,000,000
Child Support Enforcement	
Number of Paternities Established	37,389
Number of Obligations Established	21,432
Total Collections (\$)	286,696,080
Absent Parents Located (Individuals)	51,352
Community Services	
Elderly Served by CSGB & LIHEAP	75,042
Number of Handicapped Served	42,749
Number of Household Achieving Households Stabilized	1,243
Number of Households Weatherized	18,727
687	
Early Childhood Care/development	
Children & Youth Served (CCDGB)	46,342
Assistance Payments	
Dollar Amount of Assistance	1,548,149.00
Food Assistance	
Average Monthly Households	204,068
Dollar Value of Food Stamps Issued (\$)	620,709,665.00
TANF Work Program	
TANF/Medicaid Households per Month	11,195
Work Program (Persons Served)	2,950
TANF Participation Rate (%)	50.00
Persons Employed	1,221

Family & Children's Services

Children in Agency Custody	3,560
Abuse & Neglect Investigations	22,008
Family Preservation - Child (Families)	332
Number of Licensed Foster Homes	2,051
Number of Finalized Adoptions	319

Social Services Block Grant

Clients Served, Family & Child Services	46,342
Clients Served, Youth Services	10,104
Clients Served, Mental Health Dept.	0
Clients Served, Aging & Adult Services	11,837

Youth Services

Community Services (Children Served)	12,000
Institutional Component (Children Served)	652
Number of Volunteers - Community Services	114
Children Placed in Alternative Placement	200
Children Diverted from Institutional	55

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2013.

SECTION 16. It is the intent of the Legislature that the Department of Human Services, Division of Child Support Enforcement, make a concentrated effort to increase collections of past due child support payments. On or before January 1, 2012, the Executive Director of the Department of Human Services shall submit a report to the Legislative Budget Office detailing year-to-date performance measures in the Child Support Enforcement Program compared with the prior year.

SECTION 17. It is the intention of the Legislature that the Department of Human Services shall have the authority to spend such additional funds as it shall receive from the federal

government in incentives or the federal match on those incentives for the purpose of child support enforcement.

SECTION 18. Of the funds appropriated in Section 1, Two Hundred Fifty Thousand Dollars (\$250,000.00) shall be transferred to the Juvenile Facility Monitoring Unit at the Department of Public Safety no later than July 31, 2011.

SECTION 19. It is the intention of the Legislature that the agency shall compile cell phone usage records of any cellular phone (wireless communication device) that is assigned, issued or made available to any officer or employee in accordance with Section 25-53-191, Mississippi Code of 1972, and these records shall be made publicly available at the expense of the agency.

SECTION 20. It is legislative intent to ensure beneficial information reaches as many Mississippians as possible. Further, it is legislative intent that the expenditure of public funds for this purpose be accomplished in an efficient and effective manner.

Therefore, state agencies as standard procedure will observe the following criteria:

(a) Develop goals and desired result for a campaign.

(b) Evaluate effectiveness through respected advertising standards, including market reach and cost effectiveness.

(c) Seek public service announcements, which would be aired by media without cost.

(d) Itemize and justify professional assistance and related expenses for creative and production costs outside of the actual media expenditures.

(e) Utilize Mississippi-owned media companies when feasible.

SECTION 21. No former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars (\$20,000.00) a year without prior approval by an agency's proper governing board or

authority. Upon approval of such contracts, a written report shall be submitted detailing the cost and need of such contract services to the Chairmen and members of the Senate and House Appropriations Committees.

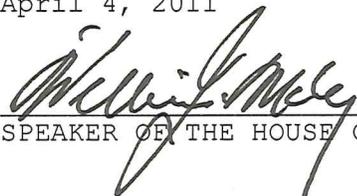
SECTION 22. Of the funds appropriated herein, an additional One Million Dollars (\$1,000,000.00) of Special Funds to be transferred from the Division of Medicaid, are provided to fund the Home Delivered Meals Program in the Aging and Adult Services Division.

SECTION 23. Of the funds appropriated herein, One Million Dollars (\$1,000,000.00) of any funds to the credit of the Department of Human Services shall be provided to the Boys and Girls Clubs.

SECTION 24. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

SECTION 25. This act shall take effect and be in force from and after July 1, 2011.

PASSED BY THE HOUSE OF REPRESENTATIVES
April 4, 2011



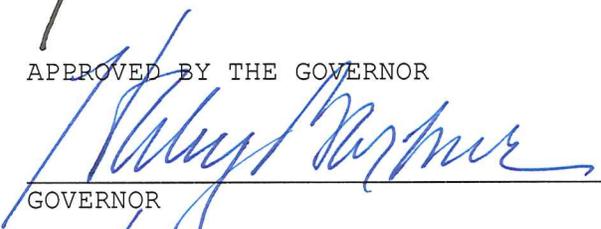
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 4, 2011



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

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